



CITY COUNCIL OFFICE

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April 18, 2006

Dwight E. Sanders
California State Lands Commission
Division of Environmental Planning and Management
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Subject: Revised Draft Environmental Impact Report for the Cabrillo Port Liquified
Natural Gas Deepwater Port
Docket No. USCG 2004-16877
California State Clearinghouse No. 2004021107

Dear Mr. Sanders:

As a responsible agency with permitting authority over the pipeline associated with the Cabrillo Port LNG Project, the City Council of the City of Oxnard is deeply concerned with the potential impacts on the Oxnard community from the operation of the proposed floating storage and regasification unit (FSRU) and associated subsea and terrestrial pipelines proposed by BHP Billiton. The City of Oxnard has permit authority over the portion of the pipeline that traverses the Coastal Zone. Other portions of the terrestrial pipeline within the City limits are subject to franchise regulations and encroachment permits for public rights-of-way.


The proposed deepwater port and large diameter high-pressure pipeline represent significant and unavoidable environmental impacts. Significant and unavoidable impacts during project operations would be potential public safety impacts from a high-energy marine collision or damage to a subsea pipeline. Other examples are impacts on marine biology, air quality, and water quality impacts from a significant spill or LNG release from the FSRU or offshore pipelines, aesthetic, noise and recreational impacts for boaters traveling near Cabrillo Port. Impacts during construction would be noise impacts, and marine biology and water quality impacts that could result from a significant spill or LNG release.

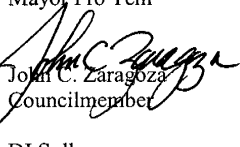
Onshore impacts during project operations would be public safety impacts resulting from damage to onshore pipelines, and the permanent loss of 0.4 acres of agricultural land in Ventura County. During construction, significant onshore impacts would be air quality impacts, noise and vibration impacts near project construction sites, and transportation impacts.

Enclosed please find the City's comments on the revised draft EIR. The City has concerns particularly regarding the level of analysis of the project alternatives as well as the demonstrated need for this project given the proposal for several other LNG facilities along the California and Baja California coasts. Included also are comments regarding specific analysis within the document.

The entire City Council wishes to reaffirm our opposition to the BHP Billiton and Crystal Energy LNG proposals unless and until the proponents can demonstrate to the satisfaction of the City Council that the adverse effects upon the environment, safety, and health, and economy of the City of Oxnard have been mitigated.

Very truly yours,

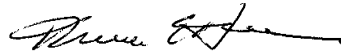

Andrés Herrera
Mayor Pro Tem



John C. Zaragoza
Councilmember

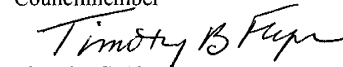
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Enclosure

cc: Dianne Feinstein, U.S. Senator
Barbara Boxer, U.S. Senator
Lois Capps, Member of Congress, 23rd District
Joe Coto, California State Assembly
Sheila Kuehl, California State Senator, 23rd District
Fran Pavley, California Assembly Member, 41st District
Pedro Nava, California Assembly Member, 35th District
Members of the Ventura County Board of Supervisors
Edmund F. Sotelo, City Manager
Marty Robinson, Ventura County RMA


Dr. Thomas E. Holden
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Councilmember


Timothy C. Flynn
Councilman

L204-1

L204-2

L204-1

Sections 1.2, 3.1, 3.2, 3.3.1, 3.3.2, 3.3.3, 4.10, and 4.10.1.3 contain information on the range of alternatives evaluated. Under NEPA and the CEQA, a reasonable range of alternatives must be considered. NEPA requires consideration of a "reasonable" number of alternatives. In determining the scope of alternatives, the emphasis is on "reasonable." "Reasonable" alternatives include those that are practical and feasible from the technical and economic standpoint and using common sense (CEQ 40 Questions; #2a). The information must be sufficient to enable reviewers and decision-makers to evaluate and compare alternatives.

The State CEQA Guidelines section 15126.6(a) provides, in part, "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project."

The EIS/EIR initially evaluated 18 locations for the FSRU as potential locations for the deepwater port. It built on previous California Coastal Commission studies that evaluated nearly 100 locations. Sections 3.3.7 and 3.3.9 discuss alternate locations and technologies that were considered.

Sections 1.2.2, 1.2.3, 1.2.4, 3.3.1, 3.3.2, and 4.10.1.3 contain information on the need for natural gas, the role and status of energy conservation and renewable energy sources, and the California Energy Action Plan.

Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

L204-2

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

PROJECT DESCRIPTION

1. Page 2-4 line 15 & p 4.6-20. The natural gas quality noted meets pipeline quality but does not meet California Vehicle CNG quality requirements. Specifically the LNG does not have the required nitrogen and carbon dioxide inerts range of 1.5 to 4.5%. The impact to existing or future CNG vehicle fueling facilities that may receive gas from this project, and their ability to maintain required CNG vehicle fuel specifications, should be evaluated.

ALTERNATIVES

2. Reference is made in the revised document on the Council of Environmental Quality's (CEQ) 40 questions regarding "reasonable alternatives" as part of the reasoning for elimination of various alternatives. We believe that several alternatives were eliminated although they meet the requirements of NEPA. As discussed under 2a and 2b of CEQ's 40 questions "Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant." Also, "An alternative that is outside the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable. A potential conflict with local or Federal law does not necessarily render an alternative unreasonable, although such conflict must be considered." Alternatives do not have to answer all the needs of the project nor should the purpose and need of the project be so narrowly defined that reasonable alternatives are excluded. Therefore, the FEIR/FEIS should consider reasonable alternative systems and locations, both offshore and onshore that were eliminated.
3. The No Action Alternative is not consistent with CEQA or NEPA requirements. The No Action Alternative contains the same two paragraphs for every resource discussion. The first paragraph states that the impacts of the project would not occur. The second paragraph states "should the No Action Alternative be selected, the energy needs identified in Section 1.2, "Project Purpose, Need and Objectives," would likely be addressed through other means, such as through other LNG or natural gas-related pipeline projects. Such proposed projects may result in potential environmental impacts of the nature and magnitude of the proposed Project as well as impacts particular to their respective configurations and operations; however, such impacts cannot be predicted with any certainty at this time." Although this was added as a result of revisions to the Draft, it is not an analysis. Therefore, we suggest that the No Action analysis be revised in the FEIR/FEIS to reflect CEQA/NEPA requirements.
4. An alternative for powering the FSRU with an onshore power source was recommended. In response, it was eliminated from further consideration in the document because it was "less environmentally preferable". This is an agency decision that is made in the ROD. However, we do not believe this is a justification for elimination from the alternative analysis in the document. We believe this is a reasonable alternative and as such should be included in the FEIR/FEIS.

ENVIRONMENTAL ANALYSIS

5. Section 4.0, Environmental Analysis. The alternatives presented in each of the issue area discussions do not evaluate alternatives in an equal level of detail. Although the revised document is an EIR and not an EIS/EIR like the 2004 version, comments regarding the alternatives are important because the analysis was not corrected from the 2004 version to the present 2006 version. The alternatives analysis is not consistent with National Environmental Policy Act (NEPA) requirements because the proposed action and the project alternatives are not presented and compared at an equal level of detail. As required by NEPA §1502.14 (Alternatives including the Proposed Action), the alternatives are the "heart" of the environmental impact statement. Based on the information and analysis presented in the

L204-3

L204-3

Neither the purpose nor the objective of the proposed Project is to supply natural gas for CNG vehicles; accordingly, it was not necessary to consider the California Vehicle CNG quality requirements.

L204-4

L204-4

Both NEPA and the CEQA require the consideration of alternatives to a proposed project. A lead agency's lack of jurisdiction over a potential alternative is one factor that it may consider in determining if a potential alternative is feasible, reasonable, and merits detailed study in an EIS/EIR. Whether a potential alternative is purely hypothetical or speculative, or whether the potential alternative can be accomplished in a successful manner in a reasonable period of time are additional factors the lead agency may consider in assessing the feasibility and reasonability of the potential alternative.

L204-5

From a NEPA perspective, while a Federal agency must analyze "a range of reasonable alternatives" (as opposed to any and all possible alternatives), and may be required to analyze an alternative that is outside the capability of an applicant and that is outside the jurisdiction of the agency, the threshold question in determining whether to analyze any alternative is whether that alternative would be a "reasonable" alternative. Reasonable alternatives include those that are practical and feasible from the technical and economic standpoint and using common sense (CEQ 40 Questions; #2a).

L204-6

To provide for an effective "hard look" at the alternatives the agency must limit the range to those alternatives that will best serve the environmental review process, and not needlessly examine and discuss in depth remote or speculative alternatives that that discussion does not facilitate a better decision making process. As stated in 40 CFR 1502.14(a), the EIS should "rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."

L204-7

Section 15126.6(a) of the State CEQA Guidelines states, in part, "[t]he Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives." The California Supreme Court in the Citizens of Goleta Valley case recognized that while an agency's jurisdiction was only one factor to consider, "[t]he law does not require in-depth review of alternatives that cannot be realistically considered and successfully accomplished." In addition,

the discussion in section 15364 in the State CEQA Guidelines states that "[t]he lack of legal powers of an agency to use in imposing an alternative or mitigation measure may be as great a limitation as any economic, environmental, social, or technological factor."

Chapter 3 discusses energy conservation, efficiency, and renewable sources of energy, and explains why these potential alternatives were not studied in detail in the EIS/EIR. The range of alternatives studied in detail is reasonable and conforms to NEPA and the CEQA requirements.

L204-5

The document, consistent with section 15126.6(c) of the State CEQA Guidelines, contains an extensive discussion of the No Action/No Project Alternative in Section 3.4.1, Alternatives. This discussion is directly referenced in each of the resource areas and has been assessed for impact on each resource area, where practicable.

The selection of the No Action Alternative by decision-makers, for which they have full discretion, would not fulfill the purpose and need of the Project to supply natural gas to California consumers but would maintain, for an indeterminate time, the status quo of California's and the nation's existing and projected energy supply mix, including conservation and renewable energy sources.

L204-6

See the response to Comment L204-4.

See Section 3.3.9.3 for the discussion prepared in conformance with section 15126(c) of the State CEQA Guidelines.

L204-7

NEPA and the CEQA do not dictate an amount of information to be provided but rather prescribe a level of treatment, which may in turn require varying amounts of information to enable reviewers and decision-makers to evaluate and compare alternatives.

Tables 6.2-1, 6.2-2, and 6.2-3 provide an impact by impact comparison of all the alternatives evaluated.

sections on the Affected Environment and the Environmental Consequences (§1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public. Further the document shall: (b) Devote substantial treatment to each alternative considered in detail... Per NEPA §1502.15 (Affected Environment), "the environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration."

PUBLIC SAFETY

6. Section 4.2.1, Environmental Setting. The environmental setting refers to other sections but those sections do not provide enough information to compare to the certain hazard assessment modeling assumptions (stability class, wind speed profiles, etc.) to perform a full critical review of those assumptions. While third party critical review was performed, there are inconsistencies in that review, and it is not certain that reasonable worst case conditions have been accounted for in the analysis (see Public Safety Comment 8 and 10 evaluations below).
7. Section 4.2.2.1, Risk Assessment Process for the LNG Deepwater Port. It appears that the computer modeling only assumed spread of the LNG pool by wind; however, the current could cause the spread to range farther than assumed with current assumptions. The potential for longer downwind LFL based on a rapid ocean current and very low wind speed and stable atmospheric conditions do not appear to have been analyzed. No substantive information regarding the potential effect of the ocean currents has been presented in the risk analysis section or appendices.
8. Section 4.2.2.1, Risk Assessment Process for the LNG Deepwater Port. Modeling was corrected to address the cold dense vapor plume, but the text provides what looks like conflicting information on plume buoyancy on p. 4.2-18 lines 26 to 31 and p. 4.2-21 lines 36-37.
9. Section 4.2.2.1, Risk Assessment Process for the LNG Deepwater Port. Calm conditions are not discussed. The actual worst-case explosion condition might be under dead calm conditions where the mass of the explosion would be maximized. The Sandia review of the modeling analysis shows that wind speeds between 4 and 12 knots were used. However, the same report shows that calm and very low wind speed conditions do occur and they note that the most common wind speeds are from 2 to 12 knots. Therefore, it is unclear why a 2 knot, or even 1 knot, wind speed was not modeled and considered worst case. The revised modeling analysis clearly shows that the impact radius increases with decreasing wind speed. Using 4 knots is not the worst case, not even the reasonable worst case, based according to Sandia's own meteorological data analysis. Potential impacts resulting from this ambient condition should be discussed.
10. Section 4.2.3.1, Risk Evaluation – Offshore LNG Deepwater Port (Significant Public Safety Thresholds). The Federal Risk Management Program (RMP) incorporates 1 psi overpressure as a reporting threshold for explosion hazard endpoint (i.e., level of concern). This is assumed to potentially knock someone from their feet thereby causing injury. This is more conservative than the 2.4 psi overpressure assumed in this study. It seems inconsistent that if an RMP is later prepared for this facility the radius showing the endpoint would be based on a lower threshold than used in the Draft EIS/EIR. This indicates that the significance criteria used may not be as conservative as they should be to determine potentially significant impacts.
11. Page 4.2-20 line 3: The use of the solar constant as a comparison to the significance criteria is incomplete and somewhat deceptive. The maximum solar heat on the earth's surface is approximately 1 kW/m² at the equator with the sun directly overhead. Therefore, the heat

L204-7 Continued

L204-7
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L204-8

Section 4.1.8.5 contains information on existing wind conditions at the offshore Project site. Figure 2.1-2 depicts the maximum area from the FSRU in any direction that could be affected in the event of an accident; impacts would not reach the shoreline. Section 2.3.5.3 of the Independent Risk Assessment (see Appendix C1) contains information on the environmental, meteorological and ocean conditions that were considered in the modeling of LNG spills and dispersion.

L204-8

L204-9

The lead agencies directed preparation of the Independent Risk Assessment (IRA), and the U.S. Department of Energy's Sandia National Laboratories independently reviewed it, as discussed in Section 4.2 and Appendix C.

L204-10

Section 4.2.7.6 and the IRA (Appendix C1) discuss the models and assumptions used and the verification process. Sandia National Laboratories (Appendix C2) concluded that the models used were appropriate and produced valid results.

L204-11

L204-9

Ocean currents were considered in the analysis, but it was determined that it was not necessary to model the spread of the LNG pool by currents. Section 4.1.8.1 contains information on circulation and currents. Compared to the time scale for the event being modeled, the current moves slowly and therefore would have limited effect. The current typically flows northward parallel to the shore at surface speeds ranging from 0.11 mph or 5 cm/s to 0.16 or 7cm/s, except in the spring when the current is onshore at 0.07 mph or 3 cm/s. Consideration of current would tend to elongate the pool parallel to the shore instead of causing it to move toward shore. In contrast, as shown on Figure 4.1-3, the wind direction is predominantly onshore. Consideration of current would tend to reduce the contribution of the wind since the current and the wind are generally perpendicular to each other. For these reasons, it was judged that wind is a more important factor and that more conservative results (less vulnerable to underestimation) would be produced by excluding current from the analysis.

L204-12

L204-13

Again, see Appendices C1 and C2.

L204-10

The comment is related to a statement in the October 2004 Draft EIS/EIR. Section 4.2.7.1 of the March 2006 Revised Draft EIR

contains information on LNG properties and dispersion hazards. Both statements indicate that the vapor cloud would become buoyant as it warms.

L204-11

Section 2.3.5.3 of the IRA contains information on the basis for selecting wind speeds used for dispersion calculations. As shown in Figure 3 of the Sandia Review of the IRA (Appendix C2), calm winds occur 1.13 percent of the time; therefore, the probability of an accident under such conditions is extremely low. Accordingly, more representative wind speeds documented in the area were used in the analysis.

L204-12

The USEPA has determined that an RMP is not required for this license application. The explosion overpressure criteria used in the IRA are typical for offshore applications. Section 2.3.2 of the IRA contains an explanation of thermal radiation threshold criteria. Section 4.2.7.2 of the EIS/EIR contains additional information on this topic.

L204-13

Section 2.3.2 of the IRA provides information on this topic.

intensity of the 5 kW/m² significance criteria is 5 times the heat rate one would get on a perfectly clear day at noon at the equator on the spring or fall equinox.

12. Page 4.2-38 line 25: The worst case impacts from LNG spills should be determined using worst case meteorological conditions (i.e. lowest practical wind speed during stable atmospheric conditions). The modeling currently uses 2 m/s, but should use 0.5 to 1.0 m/s.
13. Section 4.2.6.2, Applicable Safety Standards (Potential Impact Radius). The differential in the significance criteria for an offshore LNG fire and onshore pipeline fire has increased from a 26% differential to a more than threefold differential from the 2004 Draft EIS/EIR to the 2006 Revised Draft EIR. The onshore pipeline significance criteria analysis is based on the DOT 49 CFR Part 192.903 value of 5,000 Btu/hr/ft², while the FSRU and LNG risk analysis use a value of 1,600 Btu/hr/ft². The potential impact radius (PIR) for the pipeline risk analysis should be adjusted to be consistent with the LNG heat radiance significance criteria. Further explanation is needed.
14. Section 4.2.6.2, Applicable Safety Standards (Potential Impact Radius). The pipeline risk assessment does not include risk from explosion. An assessment of the potential risk from explosion and, if necessary, the radius of risk from explosion should be included in the analysis of onshore pipeline risk.
15. Section 4.2.7, Significance Criteria. This section does not provide a clear understanding of the significance criteria used for Public Safety. The actual significance criteria given in other areas of the report should be summarized in this section so that the reader can find and understand the specific criteria used to determine significance for each of the eight impacts identified in Section 4.2.8.
16. Section 4.2.8, Impact Analysis and Mitigation. The impact class and discussion of impacts for PS-1 are inconsistent. For example, for impact PS-1, noted to be Class II, it is stated that modeling indicates LNG release would pose no potential threat to public safety. Yet, the impact class stated is II not III and mitigation has been assumed. There is no information presented that the impact would be significant without the mitigation.
17. Section 4.2.8, Impact Analysis and Mitigation. No impact analysis has been performed to determine explosion hazard radii for the onshore pipelines. Reference to "explosions" is included in impact PS-7 (pg 4.2-90 lines 38-40), but is not otherwise analyzed.
18. Additional AQ/Public Health Comment – Odorant. No analysis of concentrated odorant release was performed for the applicant's FSRU or SoCalGas backup onshore odorant facilities. The project's odorant facility was moved from onshore to the FSRU, but the need for the backup SoCalGas onshore odorant facility negates much of the benefit of moving the project's odorant facility. Odor impacts are a listed CEQA air quality checklist item. Further, natural gas odorants do not only have a very low odor threshold but the odor itself can induce illness well below toxic thresholds.
19. Appendix C1 2.3.4.2: Fire Dynamics Simulator (FDS) model validation is performed in comparison to the "Burro" series LNG spill tests. These tests were LNG spills evaporating on top of water; however, they were very small spills and were not completed in a marine environment. The Burro series test with were completed at China Lake (i.e. in the western Mojave Desert) and would not represent worst case marine conditions which will have the potential for much more stable air currents. The Burro 8 test's 28.4 m³ spill several orders of magnitude below the 200,000 m³ FSUR intentional accident scenario. Both the setting and size of the Burro tests are problematic for validation of a model's performance for large scale marine environment releases. Therefore, this validation, which may show that the FDS model is appropriate for small over land releases, does not in fact show that the FDS model is

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The Independent Risk Assessment (IRA) (Appendix C1) defines and evaluates representative worst credible cases (scenarios of events that would lead to the most serious potential impacts on public safety). Section 2.3.5.3 of the IRA contains information on the environmental, meteorological, and ocean conditions that were considered in the modeling of LNG spills and dispersion.

See also the response to Comment L204-11.

L204-15

Appendix C3-3 under "Determination of High Consequence Areas" contains information on how a potential impact circle is calculated according to the provisions of 49 CFR 192.903.

L204-16

Section 4.2.6.2 contains a comparison of Project risks with other transportation risks. Section 4.2.8.4 under "Potential Pipeline Incidents" states: "The major hazards associated with the construction and operation of natural gas pipelines are the potential release of natural gas, fires, and explosions."

See the response to Comment L204-15.

L204-17

Section 4.2.8.4 contains information on the specific significance criteria used in the section. As indicated in the footnote, the specific significance criteria for evaluating the consequences of accidents on other resources are discussed in each of the appropriate sections of the document. Each impact section discusses the applicable significance criteria.

L204-18

As stated in Section 4.2.7.6, Impact PS-1 contains information on the effects of a minor release of LNG due to operational incidents or natural phenomena at the FSRU or LNG carrier. Since the effects of such releases would not extend outside the safety zone, which the public could not enter, serious injuries or fatalities to the public would not occur. The mitigation measures, as discussed, would reduce the likelihood and severity of releases themselves.

L204-19

As described in Section 4.2.8.2, potential high consequence areas have been identified pursuant to the Pipeline Safety Improvement Act of 2002. As described in Appendix C3-3, the potential for fires and explosions was considered in developing the regulations for the definition of high consequence areas. See also the response to

Comment L204-16.

L204-20

The mercaptan gas (odorant) would be SpotLeak 1039, a 50/50 mixture of tert-Butylmercaptan (CAS 75-66-1) and Tetrahydrothiophene (CAS 110-01-0). This material is classified as hazardous under Federal Occupational Safety and Health Administration regulation. Section 2.4.1.3 contains information concerning the handling of SpotLeak 1039 at the onshore metering station. The main odorant station is located on the FSRU with a smaller backup odorant facility onshore. Sections 2.4.1.3, 4.2.7, 4.7.4, 4.12, and 4.18.4 contain information on this topic.

As discussed in Section 2.4.1.3, the backup odorant injection system at the Reliant Energy Ormond Beach Generating Station would consist of a 60-gallon aboveground, non-pressurized storage vessel; a concrete containment pad; and a pump. The tank and associated equipment would be enclosed within secondary containment, designed to contain 110 percent of the volume of the tank, and a wall barrier. It therefore poses no hazard to the public. In the event of an accident, the odor would cause people to avoid the area and would dissipate over time.

L204-21

To date, there has never been a large spill of LNG to water. Conducting a large LNG spill to validate the models would result in adverse environmental consequences. However, models are commonly validated using experimental data. Section 2.3.4.2 of Appendix C1 contains information on tests executed by the U.S. Department of Energy and the calibration/verification of the Fire Dynamics Simulator model used in the Independent Risk Assessment. Appendix C1 provides additional information on this topic and Appendix C2, prepared by the U.S. Department of Energy's Sandia National Laboratories, contains information on the review and assessment of the models used.

Section 2.3.2 of the IRA also provides information on this topic.

appropriate for large scale releases in the marine environment. The issue of over water vs. over land dispersion still needs to be addressed.

MARINE TRAFFIC

20. Section 4.3.4, Impact Analysis and Mitigation. For impact MT-1, more explanation/description of the unmitigated significance and effective reduction of that significance with mitigation is needed (i.e., what is risk of collision before and after mitigation, and how does that relate to a significant risk threshold?). For example, the rate of construction is identified as 1.87 NM per day but there is no discussion about how long construction would require closure of the TSS lanes and no quantifiable threshold is provided.

AESTHETICS

21. Page 4.4-15: Table 4.4.2 identifies the applicable regulatory requirements and policies for aesthetics. However, no consistency analysis of these policies is included within the impact section. A consistency analysis for each identified policy must be included within the impact section.

AIR QUALITY

22. Section 4.6.1, Environmental Setting. Appropriate references have not been provided in Tables 4.6-1 and 4.6-2. These tables present both state and federal AAQS information, but only the federal references have been provided.
23. Sections 4.6.3 and 4.6.4: The air quality significance criteria for SCAQMD refer to the old (1993) CEQA handbook. SCAQMD has been updating their CEQA information and in particular has updated their significance criteria and added significance criteria. The current SCAQMD CEQA significance criteria that have been available formally since 2005 and informally since 2004 should be used. Specifically, the use of the SCAQMD Localized Significance Criteria as it would apply to the Santa Clarita area should be added to the air quality analysis.
24. Section 4.6.4, Impact Analysis and Mitigation. The Offshore and Coastal Dispersion (OCD) model to determine potential worst case construction impacts should be applied. However, operations air pollutant modeling was performed using the OCD model in Appendix G7. No impact analysis has been performed to determine if construction will result in any new exceedances of any ambient air quality standards. The majority of the estimated construction emissions over water; dispersion is limited over water increasing the potential for significant onshore impacts from the project. It is recommended that OCD modeling be performed in consultation with the Minerals Management Service, which has recently completed OCD modeling runs for proposed construction and operating sources in the Santa Barbara Channel.
25. Section 4.6.4, Impact Analysis and Mitigation. The applicant proposed measures and mitigation measures required for the Class II impact issues, specifically AM AIR-4a and MM AIR-5c, are poorly defined and cannot be determined to be effective in eliminating what would otherwise be considered significant impacts.
26. Section 4.6.4, Impact Analysis and Mitigation. Although the fugitive dust plan (MM AIR-2b) is not required by local district regulations, this mitigation measure notes that approval is required by the VCAPCD and SCAQMD. These agencies do not require this plan, so some explanation of agency agreement to review and approve the plan is necessary. Otherwise, there is no reason to believe that the plan will be reviewed and approved by these agencies.
27. Section 4.6.5, Alternatives. No emission estimates have been provided for the alternatives. At a minimum, emission estimates for the alternatives must be provided in order to fully evaluate each of the alternatives and confirm the impact evaluation.

L204-22

L204-22

Section 4.3.4 Impact MT-1 contains additional information about the TSS closure (one half of the width at any one time) and changes in marine traffic. The risk of collision is not a significance criterion; therefore, it was not quantified. However, the collision rate in the area is low. The risk of collision would increase slightly during the construction period as discussed in Impact-1 in Section 4.3.4, but the implementation of mitigation measures MM MT-1c, MT-1d, MT-1e, MT-1f, and MT-1g would reduce both the risk of collision and congestion during the construction period.

L204-23

L204-23

The applicable regulatory requirements and policies are incorporated in the significance criteria and discussed as appropriate in the impact analysis. For example, Impact AES-6 discusses the visually significant rows of eucalyptus and cypress trees planted by farmers identified in Table 4.4-2.

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L204-24

The reference for State Ambient Air Quality Standards is listed in Table 4.6-1 as 17 CCR 70100-70201. The reference for State Attainment Status is listed in 4.6-2 as 17 CCR 60201-60210.

L204-26

L204-25

All updated SCAQMD significance criteria have been incorporated into Section 4.6.4. In addition, a revised air quality impact analysis of construction activities has been conducted in accordance with SCAQMD Localized Significance Threshold Methodology. This analysis is referenced in Section 4.6.4.

L204-27

L204-26

A revised air quality impact analysis of offshore construction activities has been conducted using the Offshore and Coastal Dispersion Model (OCD). This analysis is referenced in Section 4.6.4.

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L204-29

L204-27

Impact AIR-4 and Impact AIR-5 in Section 4.6.4 have been revised to provide specific information regarding the Applicant's emissions reduction programs and their review by the USEPA and the California Air Resources Board (CARB). As part of air permit-to-construct application procedures, the Applicant has committed to the USEPA to achieve emissions reductions (in addition to reductions inherent to the Project) to an amount equal to the FSRU's annual NO_x emissions. The Applicant has executed contracts to retrofit two marine vessels (long haul tugs) by replacing the propulsion engines of each vessel with modern low emitting

engines (Tier 2 compliant diesel-fired engines). At the request of the USEPA and the CARB, the Applicant conducted source testing to assist in determining the emission reductions expected as a result of the retrofits. Both the USEPA and the CARB have reviewed the results, but there is not yet a consensus on the estimated emission reductions from the mitigation proposal.

Based on the USEPA's and CARB's estimates, the proposed Emissions Reduction Program (AM AIR-4a) would provide for NO_x emission reductions greater than the estimated annual NO_x emissions from FSRU equipment and estimated NO_x emissions from operation of LNG carrier offloading equipment. However, the total emission reductions would be less than the annual NO_x emissions estimated for all operations (FSRU and Project vessels) in California Coastal Waters, as defined by the CARB. According to CARB, the emission reduction proposal "represents more than what would otherwise be required by the current determination of applicable regulations."

Appendix G9 contains a memorandum from the CARB to the CSLC on this topic. Electronic copies of the Applicant's reports submitted to the USEPA that detail the tug retrofits and related emission reductions are available at www.epa.gov/region09/liq-natl-gas/cabrillo-air.html.

L204-28

The primary purpose of the Fugitive Dust Control Plan is to outline the fugitive dust control measures required under SCAQMD Rule 403. The Applicant would be required to prepare the plan, submit the plan to the local air districts, retain a copy of the plan (to be produced upon request) and follow all aspects of the plan. A revised description of Fugitive Dust Control Plan is included in Section 4.6.4.

L204-29

Due to the similarities between the Project and alternatives, an assessment of the potential air quality impacts of the alternatives was performed with a qualitative analysis of emissions. See Section 4.6.5.

28. Appendix G1: The SCAQMD should be consulted with regards to the emission factors and control efficiencies used in the construction emission analysis. The factors used are not those provided by SCAQMD in their CEQA website, and the fugitive dust control efficiency is higher than that generally accepted by SCAQMD.

In particular, the emission estimate methods and variable used in the General Conformity Analysis should conform to SCAQMD protocols.

BIOLOGICAL RESOURCES

29. General Comment on Terrestrial Biology. Although the revised EIR provides additional detail regarding the potential for sensitive plant and wildlife to occur in the proposed project area; the specific impacts to sensitive species has not been fully discussed. In addition, many of the existing mitigation measures remain dependent on future surveys, plans and studies to mitigate for potential impacts to sensitive species.
30. Section 4.8.5.2, Alternative DWP. No specific mitigation measures have been developed for this alternative, despite the statement that the Santa Barbara Channel/Mandalay Shore Crossing would result in greater impacts on sensitive species and their habitat. It is unclear how mitigation measures developed for generally lower levels of impact would reduce the impacts associated with this alternative below a level of significance.
31. Section 4.8.1, Environmental Setting. While the vegetation maps contain general locations of vegetation communities located along the proposed right-of-way, the document does not include clear descriptions of these communities. Typically, a CEQA/NEPA document will place the project into the context of local habitats and species by first describing the vegetation communities. Specifically, this would include describing the location, acreage, dominant species, disturbance history/condition, and other ecological features of the communities present.
32. Section 4.8.4, Impact Analysis and Mitigation. The document does not fully address potential impacts to shore birds from HDD activities.
33. Section 4.8.1, Environmental Setting. The vegetation classification used for this analysis is not adequately defined in the text. This creates confusion when trying to understand exactly what is being impacted. A good example may be the treatment of "exotic mixed riparian forest." According to the document, Holland's Preliminary Descriptions of the Terrestrial Natural Communities of California is the vegetation classification system used in the impact analysis. However, review of Holland's classification lists no such community as "exotic mixed riparian forest". Because this community is not well defined in the text, the reader has no idea what "exotic mixed riparian forest" looks like. Without good information about the plant communities, there is no way to review the documents assumptions about special status species and their potential for occurrence.
34. Section 4.8.5, Alternatives. Without some ability to make comparisons between the preferred action and the alternatives, the rationale for choosing a particular project alternative may be unsupported by evidence. We recommend that the alternatives are compared directly in a tabular format that considers acreages of impact by vegetation community, sensitive or listed species conflicts, wetlands and waters, and other issues as applicable.
35. Section 4.8.4, Impact Analysis and Mitigation. The document addresses this lack of basic biological information by relying on the applicant to fund all the biological surveys after the project has been approved (e.g., AM TerrBio-2a). By deferring the collection of required data needed for the lead agencies to provide informed and independent impact analysis, the public is deprived of the opportunity to provide meaningful comment on the project. Likewise, because

L204-30

L204-30

The estimates for fugitive dust emissions were developed from published USEPA emission factors for specific types of activities. As applicable, these emissions estimates incorporated data from SCAQMD's CEQA guidance.

L204-31

L204-31

The Applicant has completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Section 4.8 contains the results of these surveys. Where surveys were not completed, Section 4.8.4 of the EIS/EIR assumes the presence of any potentially affected species, evaluates potential impacts, and identifies mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

L204-34

L204-35

L204-36

L204-37

Mitigation measures for each significant impact are stipulated throughout the EIS/EIR and those that require future products, e.g., the Biological Resource Mitigation Implementation and Monitoring Plan, contain a listing of topics that must be addressed. These requirements are performance standards by which such plans would be evaluated when it is practical to prepare them. Under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." (State CEQA Guidelines section 15126.4(b)). NEPA does not require performance measures for proposed mitigation but only requires mitigation measures to be identified (40 CFR 1502.14(f) and 1502.16(h)). The various Federal and State permits (e.g., CWA, Section 404, Streambed Alteration Agreement) required for the Project may contain additional conditions as a component of that permit. In such cases the issuing agency would be responsible for ensuring compliance. Permits may not be granted until the NEPA and CEQA processes have been completed and the lead agencies have acted on the Project, in part because agencies rely on the analysis included in the EIS/EIR.

L204-32

The specified mitigation was deemed to be sufficient for each magnitude of impact to reduce such impact to a level below its significance criteria.

NEPA and the CEQA require that an EIS/EIR contain a detailed discussion of possible mitigation measures; however, NEPA does not require that a complete mitigation plan be done at the time of the EIS. In *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 109 S.Ct 1835 (1989), the court determined that "[t]here is a fundamental distinction, however, between a requirement that mitigation be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated, on the one hand, and a substantive requirement that a complete mitigation plan be actually formulated and adopted, on the other."

Under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." (State CEQA Guidelines section 15126.4(b)).

L204-33

Descriptions of vegetation communities were clarified in Section 4.8. Exact acres that would be affected cannot be determined until the specific alignment of the pipeline within the width of the corridor analyzed is finalized.

L204-34

The Project has been modified, and HDB will be used instead of HDD for the shore crossing, which will minimize impacts on sensitive habitats and species. Section 2.6 contains information on this topic.

L204-35

The definition of exotic mixed riparian forest has been clarified in Section 4.8.

L204-36

Section 4.8.5 contains comparisons with the proposed pipeline routes describing potential impacts for each alternative. In addition, Section 6.2 contains a direct comparison table such as the one suggested in the comment.

L204-37

The Applicant has completed surveys in accordance with California Department of Fish and Game protocol. Where surveys were not completed, the EIS/EIR assumes the presence of any potentially affected species, evaluates potential impacts, and provides appropriate mitigation to avoid or sufficiently reduce potential impacts.

the severity of the impacts is unknown, the efficacy of the mitigation measures is also unknown, resulting in a document that is inconsistent with the goals of CEQA.

36. Section 4.8.4, Impact Analysis and Mitigation. AM TerrBio-2a should be completely revised once focused surveys have determined which, if any, special status plant species would be impacted. Specific mitigation measures should consider the life history and ecological needs of the affected species in order to increase the likelihood for success. A mitigation plan should be prepared to include specific success criteria and a detailed monitoring program, contingency measures should the success criteria not be met; and identification of the party responsible for meeting the success criteria and providing for long-term conservation of the mitigation.
- AM TerrBio-2a also states that the results of additional surveys would be used to develop a BRMIMP. Because the BRMIMP would not be developed until some future date, the impact analysis contained in the document is largely unsupported.
37. Section 4.8.4, Impact Analysis and Mitigation. The following is stated in AM TerrBio-2a: "If sensitive resources cannot be avoided, no work would be authorized until the appropriate resource agencies (CDFG and USFWS) determine that the action would not result in significant biological impacts." Although it is important to consult with the appropriate resource agencies at all stages of a project, it is the responsibility of the CEQA and NEPA lead agencies to determine the significance of a proposed action and to develop appropriate mitigation measures. The document does not clearly describe and analyze the project's impacts to special-status plants, and nearly all of the analysis is deferred. To adequately inform the public, this analysis should be provided in the document.
38. Section 4.8.4, Impact Analysis and Mitigation. The discussion under Impact TerrBio-2 (Temporary or Permanent Impacts Regarding Construction, Operation, and Maintenance Effects on Rare and Special Status Plants) should make clear the acreage of impact by vegetation community. This would allow the reader to distinguish between impacts that are adverse and not significant, versus impacts to sensitive vegetation communities such as riparian woodlands, coastal sage scrub, etc. Furthermore, the degree of impact is often strongly associated with the acreage – the reader should be able to easily tell whether the project impacts one acre of habitat or 100 acres of habitat. The acreage of impact should be included in the impact statement as it is discussed.

NOISE

39. Section 4.14.1, Environmental Setting. No noise monitoring was conducted to substantiate the assumed background noise levels. While data provided for "shoreline" may be from monitoring, this is unclear. Appropriate noise monitoring should be performed at selected project locations to identify true background levels to determine potential impacts. Document notes for pipeline routes... "Establishment of actual noise baseline levels at this time would not necessarily be representative of the baseline levels during construction."
40. Section 4.14.4. The noise section of the EIS/EIR draft noted Class II and Class III impacts, which were not substantiated, the Revised Draft EIR now primarily shows Class I and Class II impacts with five separate Class I impacts. It is unclear if the mitigation measures include all feasible mitigation for these Class I impacts and whether the mitigation measures identified are enforceable. Namely, MM BioMar-5a.
41. Page 4.14-9 lines 12-20. It is unclear if the modeling noted included the fact that the noise was propagated over water and that noise propagation over water is greater than that which occurs over land. Additionally, the attenuation noted between 0.6 miles and 3.1 miles appears to be too high using simple calculations (which would overestimate noise attenuation over water). Using a calculated noise reduction of $20 \cdot \log(\text{distance1}/\text{distance2})$, or approximately 6 dBA

L204-38

L204-38

NEPA and the CEQA require that an EIS/EIR contain a detailed discussion of possible mitigation measures; however, NEPA does not require that a complete mitigation plan be done at the time of the EIS. In *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 109 S.Ct 1835 (1989), the court determined that "[t]here is a fundamental distinction, however, between a requirement that mitigation be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated, on the one hand, and a substantive requirement that a complete mitigation plan be actually formulated and adopted, on the other."

Under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." (State CEQA Guidelines section 15126.4(b)).

L204-39

The Applicant has completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 contains the results of these surveys, and Section 4.8.4 contains mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

L204-40

L204-41

L204-42

L204-39

See the response to Comment L204-33. As described in Section 4.8.4, the pipeline is primarily in existing road rights-of-way and about 90 percent is in agricultural land, and the primary mitigation is avoidance.

L204-40

As noted in Section 4.14.4 under AM NOI-4a, the work area would be monitored for noise and vibration levels prior to beginning construction work to establish the background and during construction to determine compliance with noise ordinances and vibration criteria. Such measurements are more appropriately taken

prior to construction as such activities would occur a number of years after license approval and site conditions could change in the interim. It should also be noted that after application of feasible mitigation, impacts to specific receptors described in Impact NOI-4 would remain Class 1.

L204-41

Section 4.14.4 lists all noise impacts and Applicant measures and mitigation measures to reduce impacts. Five noise impacts remain significant after mitigation. The Applicant must adhere to all Applicant and mitigation measures (summarized in Table 6.1-1). Table 6.1-1 also lists the agencies responsible for enforcement of each Applicant and mitigation measure.

MM BioMar-5a would be enforceable under the auspices of the USCG as they will review the design, specifications, and engineering plans for the FSRU and could determine, based on their technical expertise, the amount of additional noise suppression to be incorporated in such design. In addition, the requirement could be included in the contract that provides for such design services. Finally, low noise equipment specifications will be used to comply with OSHA noise standards for workers on the FSRU.

L204-42

The values identified in the comment (under Impact NOI-2) were calculated in a very conservative manner. The noise reduction calculation only accounted for atmospheric spreading and did not take into account atmospheric absorption, which could reduce the level by as much as an additional 20 dB between 0.6 and 3.1 miles. Atmospheric absorption is a function of the frequency of the sound, the temperature, the humidity, and the atmospheric pressure between the source and the receiver. Over distances greater than 100 feet (30 m), the attenuation due to atmospheric absorption can substantially reduce sound levels, especially at high frequencies (above 5,000 Hz). Based on this conservative approach, the actual noise levels would more than likely be lower than the values cited in the document.

per doubling of distance that appears to be used from 0.3 to 0.6 miles) the decibel level at 3.1 miles would be somewhat greater than 50 dBA (52.7 dBA), but below 55 dBA. However, this upward correction still does not account for noise propagation over water, which some sources indicate reduces the attenuation from 6 dBA to 5 dBA for each doubling of distance. Therefore, the values shown in this paragraph do not provide worst-case conservative noise predictions under worst case conditions (warm air, cold and calm water) that do occur in the project area.

42. Impact NOI-2: First, it is unclear if this impact is truly Class I. The same noticing and avoidance that makes NOI-1 Class II would seem to apply to here as well. Additionally, the mitigation measure (MM BioMar-5a) is unspecific and unenforceable. If this impact is truly Class I then the mitigation for this impact should be represent mitigation to the extent feasible, which would at least include ongoing safety vessel warnings (AM MT-1a) and Notices to Mariners (MM MT-1c) for the life of the project.
43. Impact NOI-4,-5, -6: The noise and vibration mitigation measures noted for onshore pipeline construction is not within the applicant's ability to control. As noted on Page 2-5, the onshore pipelines and related facilities would be constructed, owned, and operated by SoCalGas. Therefore, likelihood of implementation and the enforcing agency for the onshore construction noise mitigation measures needs to be discussed for each of these impacts.

GEOLOGIC HAZARDS

44. The discussion of geologic resources does not provide sufficient information on what impacts would result from the project and how the identified mitigation measures would reduce impacts. The discussion states that a preliminary seismic hazard evaluation was completed but there is no discussion on the results of this assessment and recommendations that were presented in the evaluation. In addition, the section refers to design guidelines that would be followed but does not specify what would be applied from the guidelines to reduce impacts. More information on the design criteria, especially design criteria that addresses emergency response such as shut off valves, needs to be added to this section.
45. The section does not include automatic shut off and the maximum amount of gas release, contrast between larger existing pipelines within city limits and the proposed pipeline, or identify other areas where high pressure pipelines are used in southern California.
46. MM Geo-4a : This measures needs to include design criteria and performance standards to ensure the most impact prevention/reduction
47. MM Geo-6: This measure needs detailed criteria identified to be used to determine correct pipeline depth
48. MM Geo-8: Additional detail is needed on potential impacts from the project and what impacts will be mitigated by this proposed mitigation measure.

AGRICULTURE/SOIL RESOURCES

49. Page 4.5-17, Lines 1 to 15; Page 4.5-18, Lines 1 to 17. This discussion includes measures that would be taken by the Applicant to minimize impacts on agricultural land. It is assumed that these measures are environmental commitments from the Applicant. Any environmental commitments from the Applicant should be clearly listed as such in the document. In addition, if the Applicant is recommending measures to help minimize impacts, these measures could be incorporated as part of the project. By listing these environmental commitments (and other measures proposed by the Applicant in other issue areas) up front, they could: a) help reduce environmental impacts in other resources areas and by listing them specifically as such it would allow for easy referencing; and b) they can be tracked during project implementation as having

L204-42 Continued

L204-42
Continued

L204-43

Impact NOI-2 is Class I because it is a permanent impact that cannot be reduced whereas NOI-1 is Class II because it is a temporary impact that will be reduced once construction has been completed. See the response to Comment L204-41.

L204-43

L204-44

Required mitigation measures will be part of the scope of work in the contract agreement between BHP and the contractor and therefore will be enforceable.

L204-44

L204-45

Section 4.11 contains information on seismic and geologic hazards and mitigation that specifically addresses the potential damage to proposed pipelines from a direct rupture along fault lines. Appendices J1 through J4 contain additional evaluations of seismic hazards.

L204-45

The design, construction, and operation of natural gas facilities are highly regulated; the U.S. Department of Transportation's (USDOT) Pipeline and Hazardous Materials Safety Administration and the California Public Utilities Commission's Division of Safety and Reliability have jurisdiction over pipelines. Section 4.2.8 discusses the background, regulations, impacts, and mitigation measures for natural gas pipelines. Section 4.2.8.4 describes Project-specific valve spacing and design requirements.

L204-46

L204-47

L204-48

L204-49

As stated in Section 4.11.1, the DWPA does not "require deepwater port applicants to provide final detailed designs as part of their application. If a license is approved, the deepwater port licensee is required to submit all plans of the offshore components comprising the deepwater port to the USCG for approval. If the CSLC approves the lease application, the conditions of the lease would include the specific requirement that the Applicant submit, for review and approval by State agencies, detailed design criteria and final detailed engineering designs with respect to facilities to be located in State waters or onshore areas. The Applicant would also be required to submit, for review and State agency comment, detailed design criteria and final detailed engineering designs with respect to the FSRU and other facilities to be located in offshore Federal waters. Submission of additional design studies may be required under the conditions of the lease with respect to such facilities before construction of the deepwater port can begin." See Impact Geo-3c.

L204-50

L204-46

Section 4.2.8.2 identifies regulations and agency responsibilities for natural gas pipelines, including valve requirements and emergency procedures. Appendix C3-3 contains design and safety standards applicable to natural gas transmission pipelines.

As previously stated, the design, construction, and operation of natural gas facilities are highly regulated; the U.S. Department of Transportation's (USDOT) Pipeline and Hazardous Materials Safety Administration and the California Public Utilities Commission's Division of Safety and Reliability have jurisdiction over pipelines. Section 4.2.8 discusses the background, regulations, impacts, and mitigation measures for natural gas pipelines. Section 4.2.8.4 describes Project-specific valve spacing and design requirements.

The proposed pipelines within Oxnard city limits would meet standards that are more stringent than those of existing pipelines because they would meet the minimum design criteria for a USDOT Class 3 location. Also, MM PS-4c includes the installation of additional mainline valves equipped with either remote valve controls or automatic line break controls. SoCalGas operates high-pressure natural gas pipelines throughout Southern California.

L204-47

As stated in MM GEO-4a, "[t]he Applicant shall employ proper seismic design, including but not limited to the design guidelines in the publications *Guidelines for the Design of Buried Steel Pipe*, *Guidelines for the Seismic Design of Oil and Gas Pipeline Systems*, and the American Society of Mechanical Engineers' *Managing System Integrity of Gas Pipelines*."

Mitigation measures for each significant impact are stipulated throughout the EIS/EIR and those that require future products, e.g., the Biological Resource Mitigation Implementation and Monitoring Plan, contain a listing of topics that must be addressed. These requirements are performance standards by which such plans would be evaluated when it is practical to prepare them. Under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." (State CEQA Guidelines section 15126.4(b)). NEPA does not require performance measures for proposed mitigation but only requires mitigation measures to be identified (40 CFR 1502.14(f) and 1502.16(h)).

The Federal and State agencies share the responsibility to ensure

that mitigation measures are implemented. Table 6.1-1 in Chapter 6 is the basis for the Mitigation Monitoring Program, which would be implemented, consistent with section 15097(a) of the State CEQA Guidelines, to ensure that each mitigation measure is incorporated into Project design, construction, operation, and maintenance activities.

L204-48

The Applicant would use horizontal directional boring to install the Project pipelines beneath the shore, with a minimum depth of 50 feet below the surface of the beach. Section 2.6 and Figure 2.6-1 contain information on construction and installation of offshore pipelines and the shore crossing using horizontal directional boring.

As stated in AM GEO-6a in Impact GEO-6, "[t]he pipeline at the shore crossing would be buried at least 50 feet (15.2 m) below the surface of the beach and deeply enough below sea level to minimize the potential of frac-outs. This will also avoid potential damage from tsunamis."

L204-49

The March 2006 Revised Draft EIR and the Final EIS/EIR does not include Impact GEO-8. The Project has been modified since issuance of the October 2004 Draft EIS/EIR. See Section 1.4.2 for a summary of Project changes. The Applicant would use horizontal directional boring instead of horizontal direction drilling to install the Project pipelines beneath the shore, with a minimum depth of 50 feet below the surface of the beach. Section 2.6 and Figure 2.6-1 contain information on construction and installation of offshore pipelines and the shore crossing using horizontal directional boring. Impact GEO-8 (Potential to Change the Transport of Sediment in Offshore Areas) would be eliminated with implementation of the Project change of burial of the pipeline under the beach at the shore crossing.

L204-50

All of the information regarding Applicant Measures (AM) was contained in Section 4.1.5 of the March 2006 Revised Draft EIR. In addition, in each resource section, including Section 4.5, AMs are enumerated and described prior to specific mitigation measures in each impact discussion. Finally, all measures (AMs and MMs) are contained in the Mitigation Monitoring Program contained in Chapter 6.

been applied to the applicable project components (i.e., during the CEQA-required mitigation monitoring or reporting).

50. Page 4.5-19, Lines 11 to 15. This discussion describes that there would be no significant impacts on Williamson Act lands. However, significant impacts would occur if orchard trees are located on Williamson Act parcels. MM AGR-1c has been introduced to minimize such impacts. The Williamson Act discussion should describe whether affected Williamson Act lands are currently cultivated with orchard trees, and if so, whether impacts would be significant.
51. Page 4.5-20, Lines 1 to 4. This discussion states that impacts associated with the operation and maintenance of the pipeline would be similar to construction, and that similar mitigation measures would apply. However, the discussion should include a list of the specific impacts or mitigation measures that would be applicable to maintenance activities.
52. Pages 4.5-26 to 4.5-29. The alternative does not include a discussion of whether Williamson Act lands would be located along or would be traversed by (if any) the alternative route.
53. Page 4.5-29, Lines 24 to 26. See Agriculture/Soil Resources, Comment 50.
54. Pages 4.5-31 to 4.5-32. See Agriculture/Soil Resources, Comment 52.
55. Page 4.5-34. See Agriculture/Soil Resources, Comment 52.

LAND USE

56. Figure 4.13-1. The boundaries of the Ormond Beach Wetlands Restoration Project Area are inaccurate. The boundary should include the beach area in front of the Ormond Beach Generating Station. The area in front of the OBGS is part of a 265-acre area owned by the California Coastal Conservancy.
57. Page 4.13-8, Line 10. According to arials accessed through Google Earth, the proposed route appears to be less than 0.4 miles away from the California Youth Authority.
58. Page 4.13-11, Lines 27 to 32. The described location for the proposed Ormond Beach Specific Plan, would extend across the Project, and as stated in the text would include residences, schools, parks, and commercial/industrial uses. Potential conflicts with this specific plan or impacts to planned land uses should be discussed under the following significance criterion: "Conflicts with approved residential or commercial development plans." This significance criterion was eliminated (as discussed in Section 4.13.3), but should be included to discuss impacts to proposed communities that would be sited across the Project.
59. Page 4.13-30, Lines 33 to 36; Page 4.13-31, Lines 1 to 27. The proposed Project would traverse the Ormond Beach Wetlands Restoration Project Area. A discussion of impacts to the restoration area should be included under the following significance criterion: "Conflicts with existing land uses, local or regional zoning regulations, or plan policies." This significance criterion was eliminated, but should be included to discuss impacts from construction and operation of the Project. If this discussion is included elsewhere, this section should reference that discussion.
60. Page 4.13-32, Lines 4 to 9. This discussion refers to ROW easements that may affect future use of residential properties and agricultural lands. However, the setting does not describe the location of any residential properties across which an easement would be needed. If residential properties would be affected, then AM AGR-1a would not minimize impacts. AM AGR-1a only targets agricultural land uses.
61. Page 4.13-35, Lines 11 to 17; Page 4.13-36, Lines 1 to 5. The following high schools are located on Gonzales Road and would be immediately adjacent to the Santa Barbara/Mandalay

L204-51

Section 4.5.4 has been updated with additional information regarding impacts on agricultural resources.

L204-51

L204-52

See Section 4.5.4 for additional information on this topic.

L204-53

Section 4.5.4 has been updated with additional information regarding impacts on agricultural resources.

L204-52

L204-54

Figure 4.13-1 has been updated.

L204-53

L204-55

Section 4.13.1.3 contains revised text on the specific distance from the proposed route to the California Youth Authority.

L204-54

L204-56

Although the environmental impact report for the Ormond Beach Specific Plan is in preparation, it is still subject to change until the environmental review process has been completed. Therefore, any further discussion would be speculative. The 2020 Oxnard General Plan does not restrict pipelines in residential areas.

L204-55

L204-56

L204-57

Section 4.13.3 contains additional information on the California Coastal Conservancy's (CCC) proposal to acquire additional land for wetland restoration in the Ormond Beach Specific Plan area. Because the restoration plan is not approved, the CCC does not own the property, and the franchise agreement allows the placement of pipelines within existing road ROWs, there would be no land use impact to the restoration project at the present time.

L204-57

L204-58

Tables 4.13-3 and 4.13-4 identify areas where residential land uses occur. Section 2.4 contains information about compensation for easements for property owners.

L204-58

L204-59

Section 4.13.5.2 contains an updated list of churches, schools, daycare facilities, shopping centers, and hospitals within 0.25 mile (0.4 km) of the Santa Barbara Channel/Mandalay Shore Crossing/Gonzales Road Pipeline Alternative.

L204-59

Alternative: Oxnard High School and Pacifica High School. These schools should be mentioned in the description of adjacent land uses. In addition, St. John's Medical Center would be located on the corner of the alternative, as it turns from Gonzales Rd. to Rose Ave. This should be mentioned in the description of adjacent land uses.

62. Page 4.13-36, Lines 9 to 17. The described location for the alternative would be constructed immediately adjacent to sensitive land uses such as schools, churches, day care centers, and a hospital. A discussion of incompatible land uses should be discussed under the following significance criterion: "Conflicts with existing land uses, local or regional zoning regulations, or plan policies." This significance criterion was eliminated, but should be included to discuss impacts from siting incompatible land uses (i.e., sensitive uses and a high-pressure gas pipeline).
63. Page 4.13-36, Lines 18 to 20. A discussion of specific impacts from the Santa Barbara/Mandalay Alternative should include impacts to schools and hospitals, similar to text that was included on Page 4.13-39, Lines 31 to 41. See Land Use Comment 69 (below), for comments pertaining to this text.
64. Page 4.13-36, Lines 23 to 38. St. John's Medical Center would be located on the corner of the Center Road Alternative 1, as it turns from Gonzales Rd. to Rose Ave. This should be mentioned in the description of adjacent land uses.
65. Table 4.13-8. Pacifica High School and St. John's Medical Center are missing from the list of land uses adjacent to the Santa Barbara/Mandalay Alternative.
66. Section 4.13.4, Impact Analysis and Mitigation. There is no discussion of long-term impacts (i.e., accidents, releases) to adjacent land uses from operation of the proposed Project or alternatives. If this discussion is included elsewhere in the document, it should be referred to in the Land Use section.
67. Page 4.13-38, Line 2. Rio Mesa High School should be included on Figure 4.13-2.
68. Page 4.13-38, Line 3. St. John's Medical Center is located south of U.S. 101.
69. Page 4.13-38, Lines 9 to 12; Page 4.13-39, Lines 1 to 7. This discussion includes good text on what the Applicant would do to minimize impacts to schools and hospitals. We are assuming that this represents a list of environmental commitments. However, these measures should be listed in the document as such, and then referred to when applicable. See Land Use Comment No. 56, above.
70. Page 4.13-39; Lines 15 to 21. See Section Land Use, Comment 62.
71. Page 4.13-41, Lines 11 to 17. The Center Road Pipeline Alternative 2 would be adjacent to Mesa Union School. See Section 4.13, Comment 62.
72. Page 4.13-39, Lines 31 to 41. See Land Use Comment 69.
73. Page 4.13-42, Lines 9 to 19. See Land Use Comment 69.
74. Page 4.13-45, Lines 21 to 26. The Point Mugu/Casper Alternative would travel across the Ormond Beach Wetlands Restoration Project Area. See Land Use Comment 59.
75. Page 4.13-46, Lines 14 to 18. The Arnold Road Alternative would travel across the Ormond Beach Wetlands Restoration Project Area. See Land Use Comment 59.

RECREATION

76. Page 4.15-6, Lines 6 to 9. This statement is inaccurate. The proposed Project would be constructed across the Ormond Beach Wetlands Restoration Area, and as such would

L204-59
Continued

L204-60

L204-61

L204-62

L204-63

L204-64

L204-65

L204-66

L204-67

L204-68

L204-69

L204-70

L204-59 Continued

L204-60

Table 4.2-19 contains a preliminary identification of high consequence areas, such as sensitive land uses, for the alternative routes. As discussed in Section 4.13.2.1, "consistency with local land use plans must be viewed within the context of the existing franchise agreements between municipalities and SoCalGas."

L204-61

Section 4.13.5.2 contains revised text.

L204-62

Section 4.13.5.3 contains revised text.

L204-63

Table 4.13-8 has been updated.

L204-64

Section 4.2 contains information on this topic.

L204-65

Figure 4.13-2 has been updated.

L204-66

Section 4.13.5.3 contains revised text.

L204-67

The discussion reflects commitments by the Applicant that would be implemented if the alternative route were chosen.

All of the information regarding Applicant Measures (AM) was contained in Section 4.1.5 of the March 2006 Revised Draft EIR. In addition, in each resource section, including Section 4.5, AMs are enumerated and described prior to specific mitigation measures in each impact discussion. Finally, all measures (AMs and MMs) are contained in the Mitigation Monitoring Program contained in Chapter 6.

L204-68

Table 4.2-19 contains a preliminary identification of high consequence areas, such as sensitive land uses, for the alternative routes. As discussed in Section 4.13.2.1, "consistency with local land use plans must be viewed within the context of the existing franchise agreements between municipalities and SoCalGas."

L204-69

See the response to Comment L204-67.

L204-70

These alternative routes are not located on property currently owned by the California Coastal Conservancy (CCC). Figure 4.13-6 shows the current CCC-owned wetland restoration project boundary.

potentially impact restoration efforts. See Land Use Comment 56. Coordination with the California Coastal Conservancy would be required under the proposed Project.

77. Page 4.15-15, Impact REC-4. This analysis is based on inaccurate information. Construction of the proposed Project would occur on property that is owned by the California Coastal Conservancy, and may impact wetland restoration efforts at Ormond Beach. See Land Use Comment 56. Coordination with the California Coastal Conservancy would be required under the proposed Project.
78. Page 4.15-15, Lines 30 to 33. This discussion includes good text on what the Applicant would do to minimize impacts to recreational activities. We are assuming that implementation of an HDB contingency plan would represent an environmental commitment. However, this measure should be listed in the document as such, and then referred to when applicable. See Land Use Comment 56, above.
79. Page 4.15-17, Lines 4 to 11. This discussion includes good text on what the Applicant would do to minimize construction impacts to recreational facilities. We are assuming that this represents a list of environmental commitments. However, these measures should be listed in the document as such, and then referred to when applicable. See Land Use Comment 56, above.
80. Page 4.15-17, Lines 21 to 24. MM TRANS-2a would be applied to Impact REC-5 to reduce impacts. As such, this impact should be classified as Class II.
81. Page 4.15-21, Lines 7 to 12. According to Impact REC-4, construction of the proposed Project would not occur on Ormond Beach. However, the Arnold Road Alternative would occur across a portion of Ormond Beach. As such, the alternative should include a discussion of impacts to recreational access along Arnold Road and other temporary impacts to the use of Ormond Beach.
82. Page 4.15-15, lines 36 to 41, and Page 4.15-16, Lines 1 to 2. This discussion states that the effects of beach closure due to a pipeline accident scenario would be temporary and therefore would not represent a significant impact on recreation in the Ormond Beach area. However, there needs to be a discussion of the potential duration of these "temporary" impacts and the type of impacts that would lead to recreation restrictions.

SOCIOECONOMICS

83. Section 4.16.1.2. There is no discussion of the location of existing utilities within the proposed pipeline ROW or alternative ROWs.
84. Section 4.16.4. There is no discussion of potential construction and operational impacts resulting from co-locating the proposed Project or alternatives with other utilities within the ROW.
85. Section 4.16.5. This section does not analyze specific impacts from the alternatives. The discussion states that impacts would be similar to the proposed Project, and the same mitigation would apply. At a minimum, the level of severity of impacts associated with each alternative and specific reference to the mitigation measure numbers that would reduce the impact should be clearly delineated under the alternatives analysis.

ENVIRONMENTAL JUSTICE

86. Section 4.19.4. MM PS-5a requires the enactment of the pipeline safety requirements contained in 49 CFR Part 192 Subpart O. However, there is no description of the performance standards, mitigation timing, and effectiveness criteria that would be associated with MM PS-5a.

L204-71

L204-71

Sections 4.15.1 and 4.15.4 contain updated information.

L204-72

The HDB contingency plan is considered part of the Project and is described in Section 2.6.1 and Appendix D1; therefore, the Applicant has committed to implement it.

L204-72

The commitment to install the proposed pipelines mostly in existing road ROWs is part of the Project description (see Sections 2.4, 2.4.1.1, and 2.4.2.1). Traffic control and access are discussed in Section 4.17.4.

L204-73

All of the information regarding Applicant Measures (AM) was contained in Section 4.1.5 of the March 2006 Revised Draft EIR. In addition, in each resource section, including Section 4.5, AMs are enumerated and described prior to specific mitigation measures in each impact discussion. Finally, all measures (AMs and MMs) are contained in the Mitigation Monitoring Program contained in Chapter 6.

L204-74

L204-75

L204-73

Impact REC-5 in Section 4.15.4 has been revised to show a Class II impact.

L204-76

L204-74

As discussed in Section 2.6.1, construction under Ormond Beach would be accomplished by HDB. Section 4.15.5.4 contains additional information regarding the Arnold Road Alternative.

L204-77

L204-78

L204-75

Section 4.1.4 defines the durations of impacts used in the analysis. Temporary is defined as "returns to baseline conditions after the activity stops." Section 4.2.8 contains information on restrictions on beach use in response to any accident.

L204-79

L204-76

Section 4.16.1.2 discusses the socioeconomic setting of the Project area and identifies utilities providers. Section 2.4 contains information on the onshore pipeline design process and how existing utilities within the pipeline or alternative ROWs would be identified.

L204-77

Section 2.4 contains information on colocated utilities. Section 4.16.1 contains information on emergency preplanning with other utilities under "Emergency Preplanning with Other Onshore

Utilities."

L204-78

The lead agencies have elected, based on format and document size considerations, not to repeat the AMs and MMs stipulated for the proposed Project for each alternative.

Furthermore, NEPA and the CEQA require that an EIS/EIR contain a detailed discussion of possible mitigation measures; however, NEPA does not require that a complete mitigation plan be done at the time of the EIS. In *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 109 S.Ct 1835 (1989), the court determined that "[t]here is a fundamental distinction, however, between a requirement that mitigation be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated, on the one hand, and a substantive requirement that a complete mitigation plan be actually formulated and adopted, on the other."

Under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." (State CEQA Guidelines section 15126.4(b)).

L204-79

Section 4.2.8.2 addresses pipeline regulations, including safety inspection and enforcement. Onshore and offshore pipelines for the proposed Project would be subject to design review, construction and operational safety inspections, and enforcement by Federal and State Agencies (see Table 4.2-3). Pipelines to be operated or constructed by SoCalGas would be under the jurisdiction of the CPUC which conducts pipeline safety inspection and investigation activities. Since MM PS-5a requires that certain areas be treated as an HCA, existing regulations regarding implementation of HCAs would apply. Adherence to mitigation measures would be monitored by the lead agencies.

87. Section 4.19.4. MM PS-4b requires the implementation of a public education program. However, MM PS-4b does not provide guidelines for the implementation of this program, including performance standards, outreach/notification activities, and effectiveness criteria.
88. Page 4.19-21, Lines 17 to 39. The alternative does not describe whether the implementation of mitigation measures would be necessary to reduce impacts. The specific mitigation measures that would apply to this alternative should be listed in the discussion.
89. Page 4.19-22, Lines 1 to 7. The alternative does not describe whether the implementation of mitigation measures would be necessary to reduce impacts. The specific mitigation measures that would apply to this alternative should be listed in the discussion.
90. Page 4.19-22, Lines 8 to 14. The alternative does not describe whether the implementation of mitigation measures would be necessary to reduce impacts. The specific mitigation measures that would apply to this alternative should be listed in the discussion.
91. Page 4.19-22, Lines 15 to 17. The alternative does not describe whether the implementation of mitigation measures would be necessary to reduce impacts. The specific mitigation measures that would apply to this alternative should be listed in the discussion.
92. Page 4.19-22, Lines 19 to 23. The alternative does not describe whether the implementation of mitigation measures would be necessary to reduce impacts. The specific mitigation measures that would apply to this alternative should be listed in the discussion.
93. Page 4.19-22, Lines 24 to 28. The alternative does not describe whether the implementation of mitigation measures would be necessary to reduce impacts. The specific mitigation measures that would apply to this alternative should be listed in the discussion.

TRANSPORTATION

94. Section 4.17.4. Impact TRANS-3 does not address parking impacts.
95. Section 4.17.4. Impact TRANS-6 requires additional analysis due to incomplete and out of date traffic volume and LOS data.
96. Section 4.17.4. For impact TRANS-6 and mitigation measure MM TRANS-6a, it is unclear why repairing within 21 days results in less than significant impacts. A discussion of the regulatory or other relevance of the 21-day repair requirement should be provided to demonstrate it mitigates potential impacts to less than significant.

WATER QUALITY

97. Section 4.18.1.3. Groundwater elevation is given, but not depth below ground surface. Specific information about groundwater crossed by the pipeline would be helpful. Possible trenching effect on groundwater should be addressed in the impact section.
98. Page 4.18-7, lines 5 to 17. This paragraph does not seem appropriate for the environmental setting section.
99. Section 4.18.4. The potential water quality impact of trenching in flowing streams should be addressed.
100. Section 2.7.2.1. This section states that states the pipeline will be placed below anticipated scour level. However, scour return period should be addressed to assess risk of exposure by scour.

CUMULATIVE IMPACTS

101. Both CEQA and NEPA require that past, present and reasonably foreseeable impacts from other projects should be considered in the cumulative analysis. This was not done in this

L204-80

L204-80

The elements of the program are specified in Table 4.2-14. Under 49 CFR Part 192, the mitigation measure requires the implementation of the program prior to operation instead of within one year afterwards as allowed under the Pipeline Safety Improvement Act.

L204-81

L204-81

The evaluation in Section 4.19.5.3 of the Center Road Pipeline Alternative 1 states that the HCAs for the pipeline would be much larger and public safety impacts would affect a greater number of people. Therefore, mitigation measures would be necessary to reduce impacts.

Center Road Pipeline Alternative 2 would require the same mitigation measures as the Project. Section 4.19.5 contains revised text on this topic.

Center Road Pipeline Alternative 3 would require the same mitigation measures as the Project. Section 4.19.5 contains revised text on this topic.

L204-82

L204-83

Line 225 Pipeline Loop Alternatives would not require mitigation measures to reduce impacts.

L204-84

The Point Mugu Shore Crossing/Casper Road Pipeline and Arnold Road Shore Crossing/Arnold Road Pipeline Alternatives would require the same mitigation measures as the Project. Section 4.19.5 contains revised text on this topic.

L204-85

L204-86

L204-87

L204-88

L204-82

Impact TRANS-4 in Section 4.17.4 in the March 2006 Revised Draft EIR (TRANS-3 in the Final EIS/EIR) addresses parking during construction.

L204-83

Data tables have been updated with the most recent available data. As a result, a Class I impact has been eliminated. See Section 4.17.4.

L204-84

Section 4.17.3 identifies significance criteria for transportation impacts. The 21-day period is typical of historic data available for construction projects.

L204-85

Section 4.18.1.3 has been revised and contains additional

information on groundwater depth in the Oxnard region. Since the exact alignment of the pipeline is not known at this time and there are no known wells in the immediate pipeline vicinity, it is not presently possible to determine the exact locations where groundwater might be encountered.

Section 2.7.1.2 and Impact WAT-4 in Section 4.18.4 describe what actions would occur if groundwater is encountered during trenching and the resulting potential impact.

L204-86

The paragraph has been moved to Impact WAT-3 in Section 4.18.4.

L204-87

Impact WAT-4 in Section 4.18.4 addresses the potential water quality impacts of trenching across flowing streams.

L204-88

Determining the scour return period would be part of the final design for the pipeline. It is not necessary to determine the scour return period as part of the environmental evaluation.

document. As an example the Air Quality analysis (4.20.3.6) states “cumulative adverse effects on air quality would not be likely to result from existing oil and gas leasing in conjunction with the Project”. However, there is no discussion or analysis regarding the 43 OCS oil and gas leases that are currently producing and do contribute to cumulative impacts on air quality as well as other resources.

102. CEQA and NEPA also require that an agency consider that cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time (CEQA guidelines section 15355). Many of the projects listed in the document are often not considered in the actual resource analysis or are discussed individually in comparison to the proposed Project. As discussed in both CEQA (and NEPA), the cumulative analysis is supposed to consider the cumulative impacts of all other projects and the increment added by the proposed Project. We recommend that the cumulative analysis be revised in the FEIR/FEIS.

L204-89

L204-89

Section 4.20.3.6 contains an additional discussion of the potential impacts of the existing offshore oil leases.

L204-90

L204-90

The cumulative impacts analysis has been conducted to account for those projects that are reasonable and foreseeable, in accordance with NEPA and the State CEQA Guidelines. See 40 CFR 1508.7 and section 15130 of the State CEQA Guidelines, with which the document complies. Existing facilities, whose related environmental impacts have already occurred and are thus reflected in baseline conditions described throughout the document, are not contemplated in the requirements of this section.



CITY COUNCIL L212

CITY COUNCIL OFFICE

305 West Third Street • Oxnard, CA 93030 • (805) 385-7428 • Fax (805) 385-7595

May 2, 2006

Dwight E. Sanders
 California Lands Commission
 Division of Environmental Planning and Management
 100 Howe Avenue, Suite 100-South
 Sacramento, CA 95825-8202

Subject: Revised Draft Environmental Impact Report (EIR) for the Cabrillo Port
 Liquified Natural Gas Deepwater Port
 Docket No. USCG 2004-16877
 California State Clearinghouse No. 2004021107

Dear Mr. Sanders:

On April 18, 2006, the City Council of the City of Oxnard executed a letter to the California State Lands Commission communicating the City's official comments relating to the revised Draft EIR which was personally delivered to you at the public hearing held in Oxnard on April 19, 2006. The letter constituted the official response from the City of Oxnard relating to the revised Draft EIR.

The City Council has approved the two additional comments listed below. Please consider these as a continuation of the City's April 18, 2006, comment document.

The two additional comments are:

103. Page 4.13-11, Line 2. Under this heading, there should be an acknowledgement that the City is updating its 2020 General Plan to the year 2030 and that each of the proposed pipeline routes restricts the City's ability to consider certain types of land uses and activities described elsewhere in the Draft EIR as inappropriate on or near a pipeline right of way. Potential restrictions on land use planning should be discussed under the following significance criterion: "Restricts ability of the City to consider a full range of land uses and activities in a General Plan Update planning process."

104. Page 4.13-11, Line 14. In the discussion that follows (line 15 to page 4.13-12, line 5), there is no mention of the Sakioka Farms Specific Plan nor the Camino Real Business Park Specific Plan, both of which straddle the Proposed Center Road Pipeline route between Fifth Street and Highway 101 along Del Norte Boulevard. Notices of Preparation to prepare a Draft EIR have been issued for both proposed

L212-1

The April 18, 2006, letter from the City Council of the City of Oxnard is included as 2006 Comment Letter L204.

L212-2

Section 4.13.1.3 contains updated information clarifying that the City of Oxnard is in the process of updating its 2020 General Plan to 2030.

As discussed in Section 4.13.2.1, "consistency with local land use plans must be viewed within the context of the existing franchise agreements that Ventura County and the Cities of Oxnard and Santa Clarita have with SoCalGas. These franchise agreements grant the right, privilege, and franchise for SoCalGas to lay and use pipelines and appurtenances for transmitting and distributing natural gas for any and all purposes under, along, across, or upon public streets and other ROWs."

The design, construction, and operation of natural gas facilities are highly regulated; the U.S. Department of Transportation's (USDOT) Pipeline and Hazardous Materials Safety Administration and the California Public Utilities Commission's Division of Safety and Reliability have jurisdiction over pipelines. Section 4.2.8 discusses the background, regulations, impacts, and mitigation measures for natural gas pipelines. Section 4.2.8.4 describes Project-specific valve spacing and design requirements.

The proposed pipelines would meet standards that are more stringent than those of existing pipelines because they would meet the minimum design criteria for a USDOT Class 3 location. Also, MM PS-4c includes the installation of additional mainline valves equipped with either remote valve controls or automatic line break controls. SoCalGas operates high-pressure natural gas pipelines throughout Southern California.

Although the environmental impact reports for the Sakioka Farms and Camino Real Business Park Specific Plans are in preparation, they are still subject to change until the environmental review process has been completed. Therefore, any further discussion would be speculative. The 2020 Oxnard General Plan does not restrict pipelines in residential areas.

L212-1


L212-2

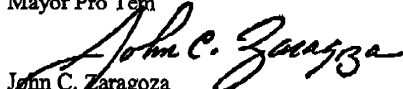
Dwight E. Sanders
May 2, 2006
Page 2

specific plans. The proposed plans total over nine million square feet of business research and light industrial uses. The Proposed Center Road Pipeline right of way along Del Norte Boulevard restricts the ability of the City and/or the applicants to consider certain uses and activities described elsewhere in the EIR as inappropriate on or near a pipeline right of way. Potential restrictions on land use planning should be discussed under the following significance criterion: "Restricts ability of the City to consider a full range of land uses and activities in a specific plan planning process." The City Council is also very concerned with the potential effect of a high pressure gas line on the ability to site neighborhood schools in adjacent planned residential communities. Specifically, this proposed pipeline alignment in Hueneme Road poses a significant safety risk to the proposed Southshore residential community and potential school sites.

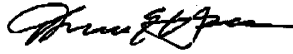
Thank you again for the consideration you have provided to our community.


Very truly yours,



Andres Herrera
Mayor Pro Tem


John C. Zaragoza
Councilmember

CBW:cbw


Dr. Thomas E. Holden
Mayor


Dean Maulhardt
Councilmember


Timothy B. Flynn
Councilman

cc: Dianne Feinstein, United States Senator
Barbara Boxer, United States Senator
Lois Capps, Member of Congress, 23rd District
Joe Coto, California State Assembly
Sheila Kuehl, California State Senator, 23rd District
Fran Pavley, California Assembly Member, 41st District
Pedro Nava, California Assembly Member, 35th District
Members of the Ventura County Board of Supervisors
Edmund F. Soletto, City Manager
Marty Robinson, Ventura County RMA

L212-2 Continued

L212-2
Continued

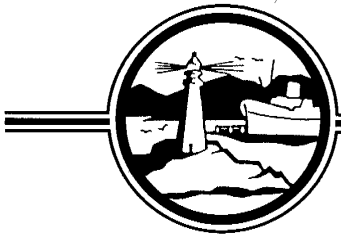
L212-3

L212-3

Section 4.13.1 contains information on sensitive land uses in proximity to proposed and alternative pipeline routes, such as schools. There are no schools in the immediate vicinity of either of the proposed pipeline routes. Section 4.2.8 describes regulations regarding pipelines, including the requirement to establish public education programs to prevent and respond to pipeline emergencies. Section 4.2.8.4 contains information on the estimated risk of Project pipeline incidents. Section 4.16.1.2 describes emergency planning and response capabilities in the Project area.

As indicated in response to Comment L212-2, the design, construction, and operation of natural gas facilities are highly regulated; the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration and the California Public Utilities Commission's Division of Safety and Reliability have jurisdiction over pipelines. Section 4.2.8 discusses the background, regulations, impacts, and mitigation measures for natural gas pipelines. Section 4.2.8.4 describes Project-specific valve spacing and design requirements.

Again, the proposed pipelines within Oxnard city limits would meet standards that are more stringent than those of existing pipelines because they would meet the minimum design criteria for a U.S. Department of Transportation (USDOT) Class 3 location. Also, MM PS-4c includes the installation of additional mainline valves equipped with either remote valve controls or automatic line break controls. SoCalGas operates high-pressure natural gas pipelines throughout Southern California.



City of Port Hueneme

L206

2006/L206

April 19, 2006

California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202
Attn: Dwight Sanders

REF: COMMENTS ON REVISED DRAFT ENVIRONMENTAL IMPACT
REPORT: CABRILLO PORT LIQUEFIED NATURAL GAS
DEEPWATER PORT, DEEPWATER PORT LICENSE
APPLICATION

Dear Gentlemen:

In a letter dated December 20, 2004 I expressed my opposition to the proposed liquefied natural gas project due to unacceptable significant impacts related to public safety, air quality and environmental justice. The Revised Draft EIR presents still serious significant impacts:

A. Threats to Public Safety

Of a total of five public safety concerns, all but one are deemed significant even after potential mitigation measures. Given the experimental nature of the proposed floating storage and regasification unit (FSRU), these significant public safety impacts are all the more threatening.

B. Egregious Air Quality Impacts to the local coastal communities of Ventura County:

More than one-third of the impacts to air quality would be significant, even after mitigation. At 164 tons of NOx emissions every year, the proposed experimental project vessel would produce the second highest emissions out of a group of 147 reporting entities throughout Ventura County. The daily emissions would be as much as 33 pounds, which exceeds by 33% the significant threshold set at 25 pounds per day established by the Ventura County Air Pollution Control District.

L206-1

Section 2.1 contains information on design criteria and specifications, final design requirements, and regulations governing the construction of the FSRU. The Cabrillo Port must be designed in accordance with applicable standards, and the U.S. Coast Guard has final approval. Section 4.2.4 contains information on Federal and State agency jurisdiction and cooperation. The Deepwater Port Act specifies regulations that all deepwater ports must meet; Section 4.2.7.3 contains information on design and safety standards for the deepwater port. Section 4.2.8.2 contains information on pipeline safety and inspections. Impact EJ-1 in Section 4.19.4 addresses additional pipeline design requirements in areas of low-income and minority communities. The EIS/EIR's analyses have been developed with consideration of these factors and regulations and in full conformance with the requirements of NEPA and the CEQA.

L206-2

The Project has been modified since issuance of the March 2006 Revised Draft EIR. See Section 1.4.2 for a summary of Project changes. Section 4.6.1.3 contains revised information on Project emissions and proposed control measures. Section 4.6.4 discusses the health effects attributed to air pollutants and includes revised impacts and mitigation measures.

The lead agencies directed preparation of the Independent Risk Assessment (IRA), and the U.S. Department of Energy's Sandia National Laboratories independently reviewed it, as discussed in Section 4.2 and Appendix C.

Section 4.2.7.6 and the IRA (Appendix C1) discuss the models and assumptions used and the verification process. Sandia National Laboratories (Appendix C2) concluded that the models used were appropriate and produced valid results.

The EIS/EIR contains substantial mitigation to avoid or reduce potential significant impacts to a level below significance criteria.

The EIS/EIR identifies and assigns significance to all levels of impacts as required by NEPA. The EIS/EIR also identifies unavoidable significant (Class I) impacts. The Administrator of MARAD under the authority of the Deepwater Port Act, the California State Lands Commission, and the Governor of California have to balance the benefits of the Project against its unavoidable environmental risks. In accordance with section 15093 of the State CEQA Guidelines, the CSLC would have to make a Statement of Overriding Considerations addressing Class I impacts prior to

L206-1

L206-2

approval of the proposed pipeline lease application.

The lead Federal and State agencies share the responsibility to ensure that mitigation measures are implemented. Table 6.1-1 in Chapter 6 is the basis for the Mitigation Monitoring Program, which would be implemented, consistent with section 15097(a) of the State CEQA Guidelines, to ensure that each mitigation measure is incorporated into Project design, construction, operation, and maintenance activities.

COMMENTS ON DRAFT EIS/EIR: CABRILLO PORT
NOVEMBER 16, 2004
PAGE 2

C. Environmental Justice: Disproportionate impact to minority and low income communities

Over the last ten years there have been on average three natural gas pipeline incidents per year resulting in the evacuation of staff and students, nearly 20 injuries, some involving hospitalization, and over \$3 million dollars in damages. The placement of the pipeline in a predominantly minority and low income uninsured community remains a significant impact. Serious exposure to personal injury and fatality and loss of property for two very low income and immigrant residential mobile home parks present continued environmental justice concerns.

Sincerely,



MARICELA P. MORALES
Mayor Pro Tem

c: City Council – Port Hueneme and Oxnard and Ventura
 City Manager – Port Hueneme and Oxnard and Ventura
 Supervisor Kathy Long
 Congresswoman Lois Capps
 Senator Sheila Kuehl
 Assemblymember Fran Pavely
 Assemblymember Pedro Nava
 City Attorney

L206-3

L206-3

Thank you for the information. Table 4.2-11 contains information on SoCalGas natural gas transmission pipeline incidents reported to the National Response Center, including a May 5, 2004, incident nearby Rio Mesa High School in Ventura County. Section 4.2.8 addresses safety issues related to natural gas pipelines. Section 4.2.8.4 contains information on the estimated risk of Project pipeline incidents. Impacts PS-4 and PS-5 in Section 4.2.8.4 contain mitigation to reduce the risks to residents along any analyzed pipeline route.

Section 4.13.1 contains information on sensitive land uses in proximity to proposed and alternative pipeline routes, such as schools. There are no schools in the immediate vicinity of either of the proposed pipeline routes. Section 4.2.8 describes regulations regarding pipelines, including the requirement to establish public education programs to prevent and respond to pipeline emergencies. Section 4.2.8.4 contains information on the estimated risk of Project pipeline incidents. Section 4.16.1.2 describes emergency planning and response capabilities in the Project area.

The proposed pipelines within Oxnard city limits would meet standards that are more stringent than those of existing pipelines because they would meet the minimum design criteria for a U.S. Department of Transportation (USDOT) Class 3 location. Also, MM PS-4c includes the installation of additional mainline valves equipped with either remote valve controls or automatic line break controls. SoCalGas operates high-pressure natural gas pipelines throughout Southern California.

Sections 4.19.1 and 4.19.4 contain information on potential Project impacts on minority and low-income communities and mitigation measures to address such impacts.